

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

RONALD SMITH,

Plaintiff,

vs.

ST. LOUIS CITY FIRE DEPARTMENT,

Defendant.

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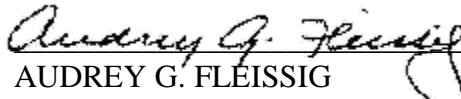
Case No. 4:09CV01949 AGF

**MEMORANDUM AND ORDER**

This matter comes before the Court on Plaintiff Ronald Smith's Motion To Set Aside Order/Judgment [#12]. On June 15, 2010, this Court dismissed the present action without prejudice due to Plaintiff's failure to file proof of service with the Court by June 4, 2010 [#10,11]. On July 1, 2010, Plaintiff filed the present motion stating that "mail of service papers for this cause were filed with the court and the papers were mailed in a timely manner and per court order." However, upon a review of the filings in this case, no proof of service was filed by Plaintiff.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff Ronald Smith's Motion To Set Aside Order/Judgment [#12] is **DENIED**.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of August, 2010.